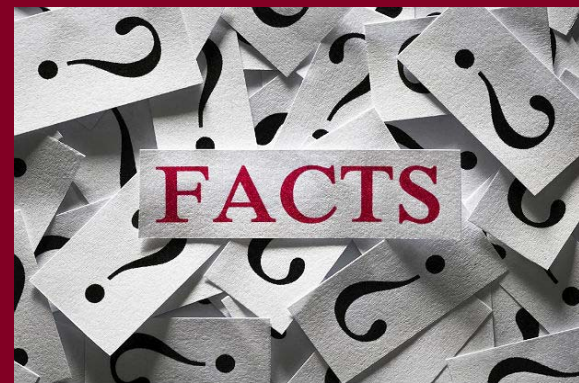




DIVISION OF INSPECTOR GENERAL
Ken Burke, CPA
Clerk of the Circuit Court and Comptroller
Pinellas County, Florida



INVESTIGATION OF CIVIL COURT RECORDS MISUSE OF COUNTY TIME AND EQUIPMENT



Hector Collazo Jr. - Inspector General/Chief Audit Executive

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REPORT NO. 2018-18
August 16, 2018



Ken Burke, CPA

CLERK OF THE CIRCUIT COURT AND COMPTROLLER
PINELLAS COUNTY, FLORIDA

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Recorder of Deeds
Clerk and Accountant of the Board of County Commissioners
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August 16, 2018

Jeff Gates, Executive Director, Court and Operational Services Division
Teresa Del Rio, Director, Court and Operational Services Division

The Division of Inspector General's Public Integrity Unit has completed an investigation of the following allegations against a Clerk of the Circuit Court Civil Court Records Department employee who allegedly:

1. Has outside employment not disclosed to the Clerk. **Substantiated.**
2. Uses County time and equipment to conduct work for a second job. **Unfounded.**
3. Works unauthorized hours to make up for unscheduled leave. **Unfounded.**

To determine whether the allegations were substantiated, we reviewed policies, procedures, and appropriate records. We also interviewed staff and other parties, as needed. Our investigation was performed according to the *Principles and Standards for Offices of Inspector General* and *The Florida Inspectors General Standards Manual* from The Commission for Florida Law Enforcement Accreditation.

We appreciate the full cooperation and assistance of the Clerk's Civil Court Records Department management during our investigation. If you have any questions, please do not hesitate to contact me at 464-8371.

Respectfully Submitted,

Hector Collazo Jr.
Inspector General/Chief Audit Executive

cc: Ken Burke, CPA, Clerk of the Circuit Court and Comptroller
Cindy Haumann, Manager, Civil Court Records Department



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INTRODUCTION

Synopsis

On June 4, 2018, the Inspector General (IG) initiated an investigation upon receiving an anonymous letter alleging a Clerk of the Circuit Court Civil Court Records Department employee (Respondent):

1. Has outside employment not disclosed to the County.
2. Uses County time and equipment to conduct work for a second job.
3. Works unauthorized hours to make up for unscheduled leave.

The IG investigation of the allegations concluded the following:

1. **Substantiated**. The Respondent has outside employment not disclosed to, and approved by, the Clerk.
2. **Unfounded**. We found no credible evidence that the Respondent uses County time and equipment to conduct work for a second job.
3. **Unfounded**. We found no credible evidence that the Respondent works unauthorized hours to make up for unscheduled leave.

Background

The Clerk of the Circuit Court Civil Court Records Department maintains records and performs case processing for all cases where damages sought exceed \$15,000, and all domestic relations (i.e. divorce, child support, and domestic violence), mortgage foreclosures, lien foreclosures, and negligence actions. The department is comprised of five main sections:



1. Counter Services / Injunction Processing / Injunction Return Hearings / Court Registry
2. New Case Intake - Summons / Small Claims Calendar - Reset Notices / Certification / Appeals / Evidence
3. Process / Legal - Alias-Pluries Summons / Defaults / Dismissals / Final Process - Foreclosure - Writs - Judgment Liens - Satisfactions / Mail
4. Support - Family New Case Intake - Summons / Family Reports
5. Case Management

The Respondent in this investigation works full time for the Clerk of the Circuit Court Civil Court Records Department Case Management Section (Case Management Section), which is responsible for docketing and filing pleadings, as well as file management duties. The Case Management Section maintains a progress docket, which notes the filing of each pleading, motion, or other paper in all civil actions. All civil pleadings are filed each night, and all are available for Judiciary and public viewing.

The Case Management Section file management duties include filling all requests for files, making additional volumes for cases when needed, and sealing cases/documents based on orders or other authority. Additionally, the section handles associating and disassociating temporary files when necessary, and processing reports of aged-out cases for forwarding to the Records Center for long-term storage.

On June 4, 2018, the IG initiated an investigation upon receiving an anonymous letter alleging the Respondent had not disclosed outside employment to the Clerk, and used County time and equipment to conduct business for the other job. Additionally, the complainant alleged the employee was working unauthorized hours to make up for unscheduled leave.

As part of our investigation, we reviewed the Respondent's personnel file, leave absence requests, time cards, internet history, computer images, and social media accounts, and conducted interviews with management and the Respondent.

Through our investigative process, we conclude the Respondent did not obtain approval or disclose employment outside of their regular Clerk position. However, we found no evidence supporting the allegations that the Respondent used County time and equipment for their other job or worked unauthorized hours to make up for unscheduled leave.

INVESTIGATIVE FINDINGS

1. The Respondent Did Not Disclose And Obtain Approval For Outside Employment.

Through our investigative process, we conclude the Respondent did not obtain approval or disclose secondary employment, outside of their regular Clerk position, violating Clerk and County policies. The Respondent violated Unified Personnel Board Policy #5 - Outside or Non-County Employment, which states:

"2. Request for Outside Employment

Prior to engaging in outside employment or other outside enterprise, an employee must obtain permission from his or her Appointing Authority by submitting a request to his or her Appointing Authority seeking approval for the outside employment or enterprise. Unless an Appointing Authority has adopted a different policy, such request should be made on the form available within OPUS for this purpose."

Additionally, the Respondent violated the Clerk's Policy Manual, 2014 Edition, Chapter 1, which states:

"CLERK'S EMPLOYEES MAY NOT ENGAGE IN SUCH ACTIVITIES AS:

3. Engage in private employment with or render services for compensation to any other person or business entity or engage in any type of employment which is or has the appearance of being in conflict with employment in the Clerk's office, unless the employee first files a statement with the Clerk making full disclosure of the nature and extent of such proposed employment or services and secures approval from the Clerk. Outside employment requests are submitted by the employee through OPUS in Employee Self Service under Extra Information."

The Respondent committed the following infraction found in Pinellas County Personnel Rule 6. Discipline, under Disciplinary Guidelines:

"D12 – Violation of written rules, regulations, policies or statutes."

The Respondent has engaged in outside employment since March 2014, as a fitness instructor at a local gym several days a week; however, the times of the fitness classes do not conflict with the Respondent's scheduled work hours for the County.

During our investigation, we interviewed the Respondent, who acknowledged the above-mentioned policies. The Respondent also contended that prior management, who they were unable to identify, informed them they only needed to disclose outside employment if it

conflicted with their current job. Nevertheless, it remains the employee's responsibility to disclose and obtain approval prior to engaging in outside employment.

Failure to obtain appropriate approval prior to gaining outside employment could unknowingly create a conflict of interest for both the County and employee.

We Recommend Management:

- A. Consider disciplinary action in accordance with the Personnel Rules.
- B. Ensure the Respondent complies with Unified Personnel Board Policies and the Clerk's Policy Manual by either completing the "Request for Prior Approval to Engage in Outside or Non-County Employment or Enterprise" form or submitting the request for outside employment in OPUS.

Management Response:

- A. **Concur.** The employee will be receiving a verbal reminder.
- B. **Concur.** The employee has read the policy and has completed the request in OPUS.



DIVISION OF INSPECTOR GENERAL

KEN BURKE, CPA
CLERK OF THE CIRCUIT COURT
& COMPTROLLER
PINELLAS COUNTY, FLORIDA

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